

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

EFD SPORTS, LLC,
Plaintiff,

v.

BALLY'S CORPORATION,
Defendant.

CIVIL ACTION NO. 4:24-CV-87-SDJ

**JOINT MOTION TO EXTEND EXPERT DESIGNATION,
DISCOVERY, DISPOSITIVE MOTION, AND MEDIATION DEADLINES**

Defendant Bally's Corporation ("Bally's") and Plaintiff EFD Sports, LLC ("EFD") file this Joint Motion to Extend the Expert Designation, Discovery, Dispositive Motion, and Mediation Deadline contained in the Court's Scheduling Order. [ECF. No. 27]. In support of this motion, the parties state as follows:

The parties have engaged in initial discovery but are unable to complete discovery until after the substantive claims to be pleaded are established. Plaintiff has filed two motions to amend its pleading in this case; its most recent motion seeks to add three individual defendants. [ECF Nos. 18 and 28]. Defendant has moved to dismiss the Plaintiff's First Amended Complaint and opposed both of the motions to further amend the pleadings and to join additional parties. [ECF Nos. 12, 25, and 29]. The parties have exchanged initial disclosures, including documents they believe are relevant, but have not engaged in additional written discovery or depositions pending a determination of whether any claims survive the motion to dismiss and, if so, what claims and parties are subject to such discovery.

The current deadline for Plaintiff to designate experts was August 7, 2024; the deadline for Defendant to designate experts was September 4, 2024. Plaintiff did not designate any experts, so Defendant did not designate a counter expert. The current deadline to complete discovery is November 13, 2024. The deadline for dispositive motions is December 4, 2024. The deadline for mediation is December 11, 2024. The Pre-trial Conference is currently set for June 18, 2025, with a trial date to be set between July 7, 2025 and July 31, 2025.

Plaintiff seeks to reopen its expert deadline and to allow Plaintiff until November 15, 2024, to designate any expert witness; if the Court reopens Plaintiff's expert deadline, Defendant's seek until December 15, 2024, to designate any responsive experts. Further, the Parties request the Court to extend the discovery deadline to February 28, 2025, the dispositive motion deadline to March 14, 2025, and the mediation deadline to March 28, 2025. These extensions are not sought for delay, and the remaining deadlines on the Court's governing scheduling order and trial date will not be impacted by the extension requested above.

WHEREFORE, the parties jointly request the Court extend the deadlines as requested herein to allow the Court an opportunity to address the pending motions and a short period thereafter for the parties to engage in any additional discovery and trial preparation needed. The proposed extensions are designed in an effort to not delay the ultimate resolution of this case or ability to comply with the other deadlines established in this Court's existing Scheduling Order.

Respectfully submitted,

/s/ Blake A Bailey
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CERTIFICATE OF SERVICE

I certify that on this 10th day of October, 2024, a true and correct copy of the foregoing was served on all counsel of record pursuant to the Federal Rules of Civil Procedure.

/s/ Blake A. Bailey

Blake A. Bailey